

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

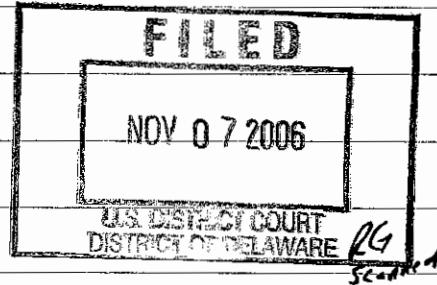
JIMMIE LEWIS,

v.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.

PLAINTIFF'S RESPONSE TO DEFENDANT  
DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE  
ORDER



DATE: 11/4/2006

Jimmie Lewis  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19971

- 1.) THE PLAINTIFF'S MOTION TO DEPOSE THE D.P.C. STAFF MEMBERS AS WITNESSES TO THEIR INDIVIDUAL ACCOUNTS OF WHAT THEY PERSONALLY RECALLED REGARDING THE CLAIMS AS STATED IN THE PLAINTIFF'S SECOND AMENDED COMPLAINT WAS DENIED IN ACCORDANCE TO THE DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE.
- 2.) AS NOTED IN THE DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE, FOR WHICH WAS TAKEN INTO CONSIDERATION BY THE COURT, STATED THAT IT WOULD BE BEST FOR THE PLAINTIFF TO OBTAIN (VERY MUCH OF THE SAME EVIDENCE AND OR INFORMATION), VIA DISCOVERY, INTERROGATORIES AND ADMISSIONS. DUE TO THE PLAINTIFF'S PRO-SE INFORMA PAUPERIS STATUS THAT WOULD BE COST EFFECTIVE, AND ALSO DUE TO THE PLAINTIFF'S INMATE PRISONER STATUS THAT POSES SECURITY CONCERNS OF HIS BEING TRANSPORTED TO THE FEDERAL COURT HOUSE. THEREFORE, SUPPORTING WIT THE DEFENDANTS MOTION TO DENY THE PLAINTIFF MOTION TO DEPOSE, SHOULD BE DEEMED AS A VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1(b).

3.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE AS A VOLUNTARY WAIVER OF U.S DISTRICT COURT RULE 26.1.(b), THEN THE PLAINTIFF ASSERTS THAT THE DEFENDANT HAS SUBMITTED INSUFFICIENT PLEADINGS, DUE TO ERRONEOUSLY IDENTIFYING EACH AND EVERY REQUEST STATED IN THE PLAINTIFF'S MOTION FOR DISCOVERY # II, III AND IV AS INTERROGATORY REQUEST, WITHOUT SPECIFICALLY STATING WHY EACH "INDIVIDUAL" REQUEST ARE CONSIDERED AN INTERROGATORY REQUEST, FOR WHICH SUPPORTS THE PLAINTIFF'S PLEADING THAT THE DEFENDANTS MOTION IS INSUFFICIENT IF THE COURT CAN IDENTIFY THAT ONE OR MORE OF THE PLAINTIFF'S DISCOVERY REQUEST ARE ACTUALLY REQUEST FOR DISCOVERY AND OR ADMISSIONS.

4.) THE DEFENDANT HAS FAILED TO PRESENT PLEADINGS AS TO EXACTLY WHICH DISCOVERY REQUEST NOTED IN THE PLAINTIFF'S MOTION FOR DISCOVERY DATE 8/7/06 WERE CONSIDERED INTERROGATORY REQUEST, NOR HAS THE DEFENDANT INDIVIDUALLY IDENTIFIED WHICH DISCOVERY REQUEST ~~REQUIRING~~ THAT IS CONSIDERED AN INTERROGATORY REQUEST ALONG WITH W/H SAID DISCOVERY REQUEST IS CONSIDERED AN INTERROGATORY REQUEST IN THE MOTION FOR PROTECTIVE ORDER DATED 10/26/06. -

(CONT #4); THEREFORE, SAID FAILURE SHOULD BE  
 DEEMED AS A VOLUNTARY WAIVER IN REGARDS TO  
 THIS HONORABLE COURT RENDERING A RULING IN THIS  
 MATTER, FOR WHICH IS SUPPORTED IN LAW AND FACT  
 BY THE PLAINTIFF'S PLEADINGS STATED HEREIN, THAT  
 CONSIDERATION OF INTERROGATORY REQUEST NOTED  
 IN THE PLAINTIFF'S 8/7/06 MOTION FOR DISCOVERY  
 NOW, WOULD UNDOUBTEDLY PREJUDICE THE PLAINTIFF.

- 5.) ALSO, THE DEFENDANT HAS FAILED TO PRESENT  
 PLEADINGS AS TO WHICH OF THE PLAINTIFF'S DISCOVERY  
 REQUEST NOTED IN THE PLAINTIFF'S MOTION FOR  
 DISCOVERY #'S IV, V, VI, III OR VII ~~are~~ INDIVIDUALLY  
 CONSIDERED TO BE INTERROGATORY REQUEST ALONG  
 WITH WHY SAID DISCOVERY REQUEST IS CONSIDERED  
 AN INTERROGATORY REQUEST, THEREFORE, SAID FAILURE  
 SHOULD BE DEEMED AS AN VOLUNTARY WAIVER  
 OF U.S DISTRICT COURT RULE 26.1(B).
  
- 6.) TO GRANT THE DEFENDANT'S MOTION FOR PROTECTIVE  
 ORDER WITHOUT THE DEFENDANT SPECIFICALLY IDENTIFYING  
 WHICH DISCOVERY REQUEST ARE CONSIDERED TO BE  
 INTERROGATORY REQUEST, ALONG WITH WHY SAID DISCOVERY  
 REQUEST IS CONSIDERED AN INTERROGATORY REQUEST,  
 WOULD VALIDATE THAT THE DISCOVERY PROCESS IN THIS  
 MATTER IS A MERITLESS PROCEDURE. NOTE: THE PLAINTIFF  
 REQUEST WHY SAID DISCOVERY REQUEST ARE CONSIDERED  
 AN INTERROGATORY, IS IN ORDER TO GRANT THE PLAINTIFF

(CONT. # 6 ), THE OPPORTUNITY TO OBJECT.

7.) BECAUSE THE PLAINTIFF DOES NOT WISH TO BURDEN THIS HONORABLE COURT WITH MOTIONS THAT ARE DESIGNED TO HINDER THE FACT FINDING PROCESS IN THE SEARCH FOR THE TRUTH , THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS CIVIL MATTER , THE PLAINTIFF HAS IDENTIFIED WHAT HE THINKS ARE DISCOVERY AND ADMISSESIONS REQUEST AS NOTED IN THE PLAINTIFF'S MOTIONS FOR DISCOVERY # II , III , IV AND VI .

7(A) , PLAINTIFF'S MOTION FOR DISCOVERY # II ,  
NUMBERS , 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 44, 22, 45, 46, 47, 48, 49, 50, 55, 56, 57, 58, 59, 64, 68, 51, 31, 67, 69, 70, 72, 78, 79, 83, 77, 89, 90, 118, 119, 120, 124, 125, 126, 135, 137, 123, 164, 186, 147, 159, 100, 101, 102, 103, 116, 127, 128, 129, 167, 173, 184, 185, 173, 177, 174, 188, 189, 190, 180, 164, 165, 168, 172, 175, 157, 158, 160, 161, 162, 163, 146, 148, 149, 150, 151, 152, 153, 154, 155, 138, 139, 140, 141, 142, 143, 144, 88, 86, 85,

7(B) PLAINTIFF'S MOTION FOR DISCOVERY # III

NUMBERS , 1, 2, 13, 14, 5, 6, 7, 8, 10, 11, 12, 15, 16, 88.

7. (C) PLAINTIFF'S MOTION FOR DISCOVERY # IV

NUMBERS, 1, 2; 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
15, 16, 17, 18, 19, 20, 21.

7. (D) PLAINTIFF'S MOTION FOR DISCOVERY # VI

NUMBERS, 1, 2, 7, 16, 17, 22, 23, 24, 25, 27,  
32, 35, 36, 38, 21, 19, 20, 28, 29, 30, 31, 34, 37,  
15, 5, 6, 8, 9, 10, 12, 13, 39.

8.) IT WOULD PROFOUNDLY PREJUDICE THE PLAINTIFF'S ABILITY  
TO BRING FORTH THE TRUTH, THE WHOLE TRUTH AND NOTHING  
BUT THE TRUTH IN THIS CIVIL MATTER, REGARDING  
THE PLAINTIFF'S PRELIMINARY INJUNCTION, THE U.S.C.A  
VIOLATIONS AND THE CIVIL ASSAULT AND BATTERY CLAIMS  
CITED BY THE PLAINTIFF, IF THE DEFENDANTS MOTION FOR  
PROTECTIVE ORDER IS GRANTED AS STATED.

9.) IF THIS HONORABLE COURT DOES NOT INTERPRET THAT THE  
DEFENDANTS MOTION TO DENY THE PLAINTIFF'S MOTION TO DEPOSE,  
AS A VOLUNTARY WAIVER OF U.S. DISTRICT COURT RULE 26.1(b),  
THEN THE PLAINTIFF HEREBY REQUEST FOR THIS HONORABLE  
COURT TO FORWARD AN ORDER RESERVING THE RIGHT TO  
AND FOR THE PLAINTIFF TO SUBMIT A MOTION FOR WHAT  
THE COURT DEEMS IS THE CORRECT AND AMOUNT OF  
INTERROGATORIES, IN ACCORDANCE TO SAID ORDER.

(10) FOR THE FOREGOING REASONS AS STATED HEREIN,  
THE PLAINTIFF HEREBY REQUEST THAT THIS HONORABLE  
COURT DENY THE DEFENDANTS MOTION FOR PROTECTIVE  
ORDER.

DATE: 11/4/2006

*Jimmy Lewis*  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDICK RD  
Smyrna, DE 19971

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS  
DUE HEREBY CERTIFY ON THIS 4TH DAY OF NOV  
2006, THAT I DID MAIL ONE TRUE AND CORRECT  
COPY OF THE PLAINTIFF'S RESPONSE TO DEFENDANT  
DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE ORDER  
BY U.S POSTAGE TO THE FOLLOWING:

CLERK OF THE COURT (GMS)  
UNITED STATES DISTRICT COURT  
J. CALEB BOGGS FEDERAL BUILDING  
844 N. KING ST, LOCKBOX 18  
WILMINGTON, DELAWARE 19801

CYNTHIA G. BEAM ESG  
1001 JEFFERSON PLAZA, SUITE 202  
WILMINGTON, DELAWARE 19801

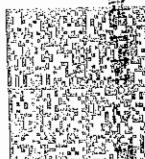
DATE: 11/4/2006

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WILMINGTON DE 197

DE NOV 2006



CLERK OF THE COURT (Cms)  
UNITED STATES DISTRICT COURT  
844 N. KING ST, BOX 18  
WILMINGTON, DELAWARE  
19801

13801475519